

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TEXARKANA DIVISION**

JULIO MARTINEZ, #1182917 §  
VS. § CIVIL ACTION NO. 5:04cv240  
DIRECTOR, TDCJ-CID §

## ORDER ADOPTING REPORT AND RECOMMENDATION

The Court referred the above-entitled and numbered civil action to United States Magistrate Judge Caroline M. Craven. The Magistrate Judge presented for consideration the Magistrate Judge's Report, containing proposed findings of fact and recommendations for disposition of this case.

Respondent filed objections to the Report. Petitioner filed a Response to Respondent's Objections. Respondent asserts that the statute of limitations should not be tolled.

This Court made a *de novo* review of the objections, the response, and the objections raised in the response and determined that the objections lack merit. This Court finds that the Magistrate Judge's findings and conclusions are correct, and adopts them as the Court's findings and conclusions. The Court therefore

**ORDERS, ADJUDGES, and DECREES** that Petitioner's motions to obtain legal documents (dkt. #10) and for appointment of counsel (dkt. #11) are **DENIED**, this action is **DISMISSED** without prejudice, and the statute of limitations is tolled for ninety days; and

**ORDERS** that all motions not previously ruled on are denied.

**SIGNED this 6th day of July, 2005.**



---

DAVID FOLSOM  
UNITED STATES DISTRICT JUDGE